

United States Department of Agriculture

FOOD, DRUG, AND INSECTICIDE ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

16551-16575

[Approved by the Secretary of Agriculture, Washington, D. C., January 29, 1930]

16551. Misbranding of Dar-Ling-Oil. U. S. v. 6 Dozen Large-Sized Packages, et al., of Dar-Ling-Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23587. I. S. No. 05817, 05818. S. No. 1749.)

On April 4, 1929, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 6 dozen large-sized packages and 6 dozen small-sized packages of Dar-Ling-Oil, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Hemlock Oil Co., from Derry, N. H., on or about January 17, 1929, and transported from the State of New Hampshire into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it contained camphor, chloroform, and volatile oils including mustard and pine oils.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, (bottle labels) "Headache, Toothache, Earache, Coughs * * * Catarrh, Croup, Sore Throat, Hoarseness, Catarrhal Deafness, Bronchitis, Influenza, Asthma, Neuralgia, Sciatica, * * * Stiffness, Backache, Gout and Rheumatism," (carton labels) "For Sore, Lame, Swollen * * * Feet * * * Headache, Toothache, Earache, Coughs, Grippe * * * Catarrh, Sore Throat, Croup, Hoarseness, Bronchitis, Catarrhal-Deafness, Influenza, Asthma, Neuralgia, Sciatica, * * * Stiffness, Backache, Gout and Rheumatism. * * * for The Throat, Chest, Lungs and Nasal Organs," (circular, small size) "For—Catarrh, Catarrhal Deafness, * * * etc. Place a few drops of the Oil in the palm of the Hand and Inhale. * * * For—Neuralgia * * * Stiffness, Backache, Sciatica, Grippe, * * * Gout and Rheumatism * * * the parts afflicted * * * bathe the parts freely with the Oil * * * it penetrates and relieves the Soreness, Lameness and Swelling of the Cords, Bones and Muscles. * * * For—Asthma, Bronchitis, Influenza, Croup, Sore Throat, Hoarseness, Coughs, * * * apply the Oil Freely, then bandage the Throat and Chest with Flannel and Inhale the Oily Vapor or Fumes from the Hand, same as for 'Catarrh.' For—Children with Croup, Whooping Cough. * * * etc., * * * bathe the child's Chest and Throat * * * For—Headache, Bathe the Forehead, Temples and back of the Neck Freely with the Oil and inhale same as for Catarrh. For—Toothache * * * place in the Cavity * * * For—Earache * * * place in the ear * * * Inhale from hands same as for 'Catarrh.' For * * * Sore, Lame, Swollen * * * Feet * * * apply the Oil * * * rubbing * * * into the Pores * * * For * * * Lameness * * * For—Open Wounds, * * * Sores, * * * Petrolatum to * * * Darling Oil * * * and apply. A few drops on sugar relieves cramps, colic and indigestion," (circular, large size) "For—Catarrh, Catarrhal Deafness, * * * etc. Place a few drops of the Oil in the palm of the Hand * * * Inhale * * * For—Neuralgia * * * Stiffness, Backache, Sciatica, Grippe, * * * Gout and Rheumatism, * * * the parts Afflicted * * * bathe the parts * * * with the Oil * * * Absorbed into the Pores and

Tissues and carried direct to the Cords, Bones and Muscles where it will Draw out the Soreness, Lameness, and Swelling * * * For—Asthma, Bronchitis, Influenza, Croup, Sore Throat, Hoarseness, Coughs, * * * bandage the throat and Lungs with Flannel and Inhale the Oily Vapor or Fumes, from the Hand, same as for 'Catarrh.' For—Children with Croup, Whooping Cough * * * bathe the child's Lungs and Throat * * * For—Headache, Bathe the forehead, Temples and back of the neck Freely with the Oil and Inhale same as for Catarrh. For—Toothache, * * * place in the Cavity * * * For—Earache * * * Inhale from hands same as for 'Catarrh.' * * * For—Sore, Lame, Swollen * * * Feet * * * apply the Oil * * * rubbing * * * into the Pores. * * * For * * * Lameness * * * For—Open Wounds * * * Sores * * * Petrolatum * * * Dar-Ling-Oil * * * and apply. * * * Darling Oil * * * as a Pain Expeller * * * I have * * * used * * * Dar-Ling-Oil for * * * Catarrh, and have experienced great relief * * * You do not have to wait till tomorrow or next week or next month for results * * * within seven minutes after you apply it, you will feel the flesh absorb the Oil as a sponge absorbs water. It * * * keeps the pores open, the glands active, and the blood in a good Healthy Circulation. * * * for the treatment of Sciatica, Rheumatism * * * Stiffness, Gout, Neuralgia and Backache * * * Rheumatism * * * If you have Rheumatism in any form you may try Darling Oil for External Use," (circulars, large and small) "Headache, Toothache, Earache, Coughs * * * Catarrh, Sore Throat, Hoarseness, Bronchitis, Influenza, Asthma, Neuralgia, Sciatica * * * Stiffness, Backache * * * Gout, Grippe and Rheumatism," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On June 27, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16552. Misbranding of flaxseed menthol wild cherry cough syrup. U. S. v. 6 Dozen Bottles of Flaxseed Menthol Wild Cherry Cough Syrup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23499. I. S. No. 02596. S. No. 1618.)

On March 8, 1929, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 6 dozen bottles of flaxseed menthol wild cherry cough syrup, remaining in the original unbroken packages at Portland, Me., consigned by Hance Bros. & White (Inc.), Philadelphia, Pa., alleging that the article had been shipped from Philadelphia, Pa., on or about November 16, 1928, and transported from the State of Pennsylvania into the State of Maine, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it contained benzoic acid, menthol, glycerin, sugar, alcohol (1.6 per cent), and water, and was colored with a coal-tar dye.

It was alleged in the libel that the statement "Flaxseed Menthol Wild Cherry Cough Syrup," borne on the bottle label and carton, was false and misleading. Misbranding was alleged for the further reason that the package containing the article failed to bear a statement on the label of the quantity or proportion of alcohol contained therein. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article, (bottle label) "For All Affections Of Throat and Air Passages, such as Acute and Chronic Coughs * * * Bronchitis, Croup, Hoarseness and Whooping Cough," (carton) "Relieves Cough * * * Whooping Cough and La Grippe * * * reducing the inflammations * * * Relieving Hoarseness and Bronchitis," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On April 2, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*